

PATENT
Atty. Dkt. No. ROC920010284US1
MPS Ref. No.: IBMK10284

REMARKS

This is intended as a full and complete response to the Final Office Action dated July 19, 2005, having a shortened statutory period for response set to expire on October 19, 2005. Applicant submits this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-6, 8-10, 12, 14-23, and 25-29 are pending in the application.

Claim Rejections - 35 U.S.C. § 103

Claims 1-6, 8-10, 12, 14-23, and 25-29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Ahlberg et al.* (U.S. Patent Number 6,587,836), hereinafter referred to as *Ahlberg*, in view of *Itabashi et al.* (U.S. Patent Number 6,308,203), hereinafter referred to as *Itabashi*.

The Examiner takes the position that "*Ahlberg* suggested exploration of art and/or provided a reason to modify the method of providing entitlement services information with additional feature [sic] such as associating at least a portion of the plurality of users with a plurality of products" (section 9). The Examiner further argues that "*Itabashi* disclosed a method of providing entitlement services information to [sic] user wherein each of at least a portion of the plurality of users is associated with at least two products", and it would have been obvious to one of ordinary skill in the art to modify the method of *Ahlberg* with the teachings of *Itabashi* (section 10).

Applicant respectfully traverses this rejection.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejection fails to establish at least the third criteria.

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As an initial matter, neither *Ahlberg* nor *Itabashi* teach entitlement services information, as claimed. The Examiner relies on *Ahlberg* for teaching the claimed entitlement services, but *Ahlberg* simply does not teach such entitlement services. *Ahlberg* consistently defines "entitlements" as user access rights (column 20, lines 55-63 and column 4, lines 8-23). The Applicant has clearly and consistently defined entitlement services information as information about entitlement services tied to particular products. Illustrative entitlement services include maintenance agreements, warranties, etc. (papagraph 0003). While the Examiner may not import limitations from the Applicant's specification, the Examiner is obligated to read the claims in light of the specification. The claims recite limitations related to entitlement services and the specification is clear and unequivocal on the meaning of entitlement services.

Further, as recited in at least claims 1, 10 and 21 entitlement services are defined as being associated with products and users of the products: "a common entitlement services information repository that associates entitlement services with products to which the entitlement services attach and with users of the products". Neither *Ahlberg* nor *Itabashi* teaches such a limitation. The Examiner states that *Ahlberg* teaches the above recited limitation in column 6 lines 3-11, column 21 lines 24-36, and column 29 lines1-13. However, column 6, lines 3-11 is directed to software architecture of a web-based data management program, known as nMCI Interact (column 5 lines 21-28). Column 21, lines 24-36 describes entitlement features each user may have when ordering an Outbound Network Manager (ONM) from the Order Entry (StarOE). The ONM is a service inquiry that can be ordered from the StarOE service (column 13, lines 12-25). Column 29, lines 1-13 is related to an Order Entry server that associates a customer with authentication and entitlement information in validating the customer before enabling the customer to access the service. Therefore, the entitlement and authentication of *Ahlberg* are not related to particular products. *Itabashi* is directed to overcome the inconvenience of submitting personal information repeatedly when a user access two or more services (Column 1, lines 20-42). Therefore, *Ahlberg* and *Itabashi*, alone or in combination, do not teach, show or suggest the subject matter claimed in claims 1, 10 and 21, and claims dependent thereon.

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Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Response to Arguments

The Examiner states that Applicant has argued that the entitlements disclosed by *Ahlberg* is defined as "a privilege or authorization that a customer has" and "is akin to access levels in UNIX which are granted when a customer belongs to a certain user groups" (section 39). At section 39 of the present Office Action, the Examiner appears to suggest that the Applicant's statement is either the Applicant's own interpretation or is an alternative embodiment of *Ahlberg* (the Examiner cites to column 4, lines 8-23 as presumably teaching a different definition of "entitlement", which the Examiner apparently believes is the same as the Applicant's definition of entitlements). Respectfully, either conclusion by the Examiner is incorrect. Applicant respectfully submits that the quoted definition is disclosed by *Ahlberg* as the definition of entitlement at column 20, lines 55-63. The portion cited by the Examiner as teaching an alternative definition of entitlements as "authentication and entitlement information associated with the customer" and applied in "validating the customer before enabling the customer to access the enterprise Intranet" (column 4, lines 8-23) is, respectfully, a restatement of an entitlement that is entirely consistent with the definition cited by the Applicant at column 20, lines 55-63. Thus, the only definition of entitlements provided by *Ahlberg* is directed to a user's access privileges. In contrast, the present invention defines entitlement services as agreements related to particular products and includes maintenance agreements, services agreements and the like (Paragraph 0003). There is simply no intersection/correspondence of the entitlements of the Applicant and the entitlements of *Ahlberg*.

Further, in section 40, the Examiner cites *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458,459 (CCPA 1963) in rejecting method claims of the present invention. Applicant respectfully submits that the above referred cases are directed to apparatus claims or process of making, therefore, are entirely inapplicable to the method claims of the present invention. If the Examiner disagrees, the Examiner is kindly requested to provide a detailed analysis of

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the case law and its applicability to the present claims, so that the issue can be properly responded to by the Applicant and considered by the Board, in the event of an appeal.

Conclusion

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the office action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact Gero McClellan, attorney of record, at (336) 643-3065, or the undersigned attorney to discuss strategies for moving prosecution forward toward allowance.

Respectfully submitted,



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